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May 10, 2013

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via fax: (512) 495-9139

Re: *McCollum v. Livingston, et al.*, No. 3:12-cv-02037, N.D. Tex. - Dallas (Judge Sam Lindsay)

Dear Bruce,

I hope you are well. I am writing about your clients' responses to Plaintiff Stephen McCollum's Fourth Set of Requests for Production. We received your responses on May 3, 2013, where your clients decline to produce any of the documents requested.

I am writing to ask you reconsider these objections. These documents are obviously relevant as they will likely show TDCJ practices regarding fatal heat-related injuries at several facilities. As you recall, many of the facilities where prisoners died were under the supervision of Defendant Eason.

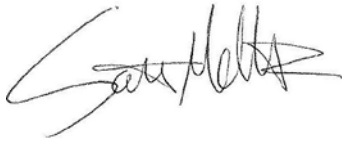
Your principle objection appears to be these other deaths occurred after Mr. McCollum's untimely passing. This, of course, is not true. Two of the prisoners (Mr. James Shriver and Mr. Dionicia Robles) died before Mr. McCollum. The most of the other prisoners died within a short period of Mr. McCollum's passing. The Fifth Circuit has upheld trial courts decisions to admit evidence showing correctional practices "that occurred shortly before, during, and shortly after the period of [the prisoner's] detention." *Shepherd v. Dallas Co.*, 591 F.3d 445, 457 (5th Cir. 2009).

These requests are for specific documents, and the request is narrowly tailored for information likely to shed light on how prisoners are dying of heat stroke in TDCJ facilities. If we do not have an agreement for production of these records by May 15, 2013, we will be forced to file a motion to compel. Please let us know before then if your client will reconsider. A copy of the motion we intend to file is attached.

Additionally, I am still waiting to discuss the proposed protective order I sent you on April 18, 2013. Please let me know if the proposed protective order is acceptable so we can arrange to produce the documents it will cover. Plaintiffs' expert reports are due in early June, and our experts will need to review these documents before finalizing their reports.

I look forward to talking with you about these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Medlock", with a stylized flourish at the end.

Scott Medlock
Director, Prisoners' Rights Project

Cc:

Jeff Edwards

via email: jeff@edwards-law.com

Enc.

Plaintiffs' Second Motion to Compel Discovery Responses